

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
Southern Division

MARION S. LEBON, and

*

LISA COWAND,

*

Plaintiffs,

*

v.

*

CASE NO.

STATE FARM FIRE &

*

1:08-CV-509-LTS-RHW

CASUALTY COMPANY,

*

Defendant.

*

DEPOSITION OF MICHAEL ANTHONY MATTHEWS, P.E.

October 8, 2009

9:00 a.m. - 1:45 p.m.

Newport News, Virginia

EXHIBIT D

REPORTED BY: Kurt D. Hruneni, CCR-VA

1 Q And so here we go. Let's go. Your
2 project file is identified for your identification
3 purposes at The Structures Group, VA09121.LIT
4 HGS/Lebon/1000 North Beach Boulevard.

5 Okay. The .LIT, is that for litigation?

6 A Yes, ma'am.

7 Q Okay. HGS, Hickman Goza Spragins?

8 A Yes, ma'am.

9 Q All right. Now I'm going to flip through
10 here. You've got this paper here, and it says "items
11 received as of 7/15/09."

12 You've got the litigation file number that
13 we just read out. "The following items were downloaded
14 from the Hickman Goza FTP site under the folder
15 entitled Lebon, Marion, and Lisa Cowand.

16 "The defendant experts' photographs" --
17 yeah -- "flood photos, image list, diagram (786), 4
18 color; HO photos, image list, 12 color; Lebon maps,
19 aerials, 4 through 38, 35 color; Lebon aerials, 1
20 through 3, 3 color; photos (786), additional documents,
21 2 color; photos (793), additional claim documents, FL,
22 2 color; photos additional documents HO, 11 color;
23 photos, image list, diagram, Lebon FL 793, 4 color."

24 Let me ask you. What are the numbers in
25 the parentheses behind these photos?

1 A They are what's on the website.

2 Q Okay. So this is exactly the -- whatever
3 the file was you downloaded?

4 A That's right.

5 Q Okay. Then you've got the plaintiffs'
6 expert -- under that is, "plaintiffs' designation, 4
7 black and white; Benjamin Jelley report, 36 color; Neil
8 Hall, 39 color; Neil B. Hall report, 32 black and
9 white; Tammie Crossley valuation report, 10 black and
10 white; Lebon black and white photos from PS core, 3
11 black and white. Total black and white copies 49,
12 total color copies 148."

13 And that's in the front of the folder.
14 Then you have a map of the Gulf Coast, including
15 Biloxi, Gulfport, and Pascagoula. This an item I'll
16 ask you not to worry about copying.

17 A Okay.

18 Q I think I know -- you know, know the area
19 enough that I won't need a map.

20 But who provided the map for you?

21 A AAA provided the map, 2005.

22 Q Okay. I thought you were going to tell me
23 you purchased it at a gas station on the way down.

24 Okay. The first folder in here is
25 "VA09121.LIT location plans." Okay. The nine pages in

1 faster, after going some of these documents. Some of
2 the questions just, you know, I'll ask as I'm going
3 through these; and we'll end up going through the
4 report a little quicker.

5 The next folder is correspondence to and
6 from attorney -- attorneys and assistants at Hickman
7 Goza Spragins.

8 Basically, it looks like the notice of the
9 depo, and the subpoena, and some prep time. And that's
10 our request for accommodations in your area.

11 These two kind of piqued my curiosity.

12 A Sure.

13 Q Who is Melissa Reynolds?

14 A She is admin at our office.

15 Q Okay. It's always so helpful to have
16 these online services, especially with large uploads
17 and downloads.

18 You use FileZilla? Is that -- is it like
19 a -- oh, your assistant said they -- that the report
20 and the PowerPoint were uploaded?

21 A Yeah. They have -- right. They have an
22 FTP site. And I guess, that's what Hickman Goza calls
23 it, FileZilla, or whatever.

24 Q Okay. So that was a site that they asked
25 you to upload it to?

1 A Correct.

2 Q Okay. I thought, maybe, it was one that
3 you use.

4 A No.

5 Q Okay.

6 A We don't have an FTP site.

7 Q Well, YouSendIt's free.

8 And let's see. This email from Michelle
9 Wheeler at Hickman Goza to Melissa Reynolds, your
10 admin, says -- you know, it's seeing if you have the
11 time to take a new file, of course, which would be the
12 Lebon file.

13 A Right.

14 Q For an FYI, they let you know that Marion
15 Lebon is the mother of Lisa Cowand.

16 A Uh-huh.

17 Q Does that mean anything to you, other than
18 --

19 A Un-huh.

20 Q Okay. Were you aware that Lisa Cowand had
21 another property near the Beach property?

22 A I know that we did a project called -- for
23 Hickman Goza, called Cowand.

24 Q Did you refer to any of that file for this
25 file?

1 A Sure.

2 Q Let's start with what facts or data from
3 the insurance claim are your opinions based upon.

4 A Facts or data from the claim?

5 Q Uh-huh.

6 A You mean the claim as presented by the
7 homeowner or the adjusting prepared by the insurance
8 company?

9 Q Well, any -- the facts and data that you
10 relied upon --

11 A Okay.

12 Q -- actually, to present this.

13 A Sure.

14 Q I mean, of course, we've got some of the
15 materials here in the file.

16 A That's really all.

17 Q Some notes in the office, you know, things
18 like that. But --

19 A Well, that's all the information we have,
20 is in that file, with regard to the claim. We were
21 provided information that was delineated on the FTP
22 site to be from State Farm.

23 We were provided information on the FTP
24 site that was denoted to be provided from the owner.
25 And then we received these reports from Jelley, XL, and